

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANN M. HOWLAND,)	
)	
Plaintiff,)	
)	
v.)	No. 11 C 3390
)	
MEDTRONIC, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Medtronic, Inc. ("Medtronic") has filed a timely Notice of Removal ("Notice") of this action from the Circuit Court of Cook County. In addition to scheduling its customary early status hearing date, this Court has reviewed the Notice (as always), and this memorandum order is issued sua sponte to address a deficiency in that Notice.

Although Medtronic seeks to invoke federal subject matter jurisdiction on diversity of citizenship grounds, Notice ¶6 identifies the residence rather than the state of citizenship of plaintiff Ann Howland ("Howland"). Despite the directive from our Court of Appeals that such an error should be met with an order of dismissal in a case that originates in this District Court (which by parity of reasoning would trigger a remand in a removed case), this Court is loath to create such a Draconian consequence of what seems likely to be a readily curable error.

Accordingly Medtronic is granted leave to file an appropriate amendment to Notice ¶6 (not a fully self-contained

Amended Notice) on or before June 3, 2011. Because it seems most probable that Howland's state of citizenship coincides with her place of residence, this Court is contemporaneously issuing its customary initial scheduling order.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style with a large initial 'M'.

Milton I. Shadur
Senior United States District Judge

Date: May 24, 2011